

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.34231 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of Respondents in not passing orders on the application of the Petitioner dated 7.9.2009 for grant of mining lease for Laterite in over an extent of Ac.259.74 in Sy.No.1 to 11, USHP of Pedduru Village, Rowthulapudi Mandal, East Godavari district as arbitrary, illegal, unjust and constitutional and consequently call for the records and direct the respondents to grant Mining Lease / Quarry Lease on the application dt.07-09-2009.”

Heard Smt. N. Shoba, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

According to the petitioner, it submitted an application for grant of mining lease for Laterite in respect of an extent of 259.74 Acres in Sy.No.1 to 11, USHP of Pedduru village, Rowthulapudi mandal, East Godavari District in Form No.1 along with all necessary documents. The Assistant Director of Mines and Geology – 3rd respondent herein acknowledged the same vide letter No.5904/M/2009, dated 07-09-2009. Subsequently, the 3rd respondent by way of letter No.9504/M/09, dated 07-09-2009 called for a report from the Tahsildar, Rowthulapudi mandal, East Godavari District with regard to the classification and availability of the applied area for grant of Prospecting License/Mining Lease/Quarry Lease.

The Tahsildar, Rowthulapudi mandal by way of proceedings Ref.C/153/09, dated 05-12-2009 expressed no objection for grant of mining lease. Thereafter the 3rd respondent – Assistant Director of Mines and Geology vide Lr.No.5904/M/2009, dated 21-07-2010 addressed to the Director of Mines and Geology, Hyderabad recommended for grant of mining lease for Laterite over an extent of 56.10 Acres. Thereafter the Director of Mines and Geology,

Hyderabad – 2nd respondent herein called for a report from the Deputy Director General, Geological Survey of India, Hyderabad as to whether the mineral lease is Bauxite or Laterite vide Lr.No.41296/R1-3/2009, dated 27-03-2015. Subsequently, the Geological Survey of India vide proceedings No.819/Chem.Div/GSI/SR/2015, dated 14-08-2015 sent test report confirming that the entire fifteen (15) samples are of Laterite.

In the above background, it is contended by the learned counsel for the petitioner herein that despite the above correspondence no final decision has been taken by the respondent authorities in the direction of passing final orders on the mining lease application of the petitioner herein.

In the facts and circumstances of the case as narrated supra, this Court finds no justification on the part of the respondent authorities in not taking any steps on the application of the petitioner for grant of mining lease submitted as long back as on 07-09-2009. Therefore, this Court is of the considered opinion that ends of justice would be met if a direction is given to the respondents herein to consider the application of the petitioner herein and to take appropriate final decision on the same, in accordance with law, by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to take appropriate action, as per law, on the application, dated 07-09-2009 filed by the petitioner herein for grant of mining lease in respect of land situated in USHP of Pedduru village, Rowthulapudi mandal, East Godavari District, within a period of four (4) months from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

October 29, 2015

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